

// A special meeting of the Council of the City of Lynchburg, recessed from September 9, was held on the 30th day of September, 2003, at 1:00 P.M., in the Second Floor Training Room, City Hall, Carl B.

Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Parks and Recreation staff Andy Reeder and Benita Ripley provided an overview regarding an offer by Mr. Orin Templeton to donate property at 225 Wiggington Road for a Senior-Adult Center, as outlined in the September 30 Council report. Following discussion, and on motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-03-152, as presented, approving the acceptance of property and building at 225 Wiggington Road through donation for the development and operation of a Senior-Adult Center administered by the Department of Parks and Recreation:

Ayes: Adams, Barksdale, Dodson, Foster Garber, Seiffert, Hutcherson 7

Noes: 0

// Senior Planner Judy Wiegand along with Laurel Foot, Kelly Hitchcock and Andy Reeder provided an overview regarding a proposed Region 2000 Greenways and Blueways Plan prepared by Greenways, Inc. Ms. Wiegand explained that the Plan presents a concept for development of greenways and blueways throughout the region and would be presented to the Region 2000 Regional Commission for approval in January. Ms. Wiegand went on to say that a governance/coordination committee would be selected for implementation of the regional plan, but the specific locations of Lynchburg greenways and the types of trails, if any, in those greenways would be the prerogative of the City. Council Member Adams stated that he would participate in the discussion but would abstain from voting on this item since one-half mile of trail is his backyard. Council Member Adams stated that although he is a supporter of and regular user of the existing trail system, he has mixed feelings with regard to the Plan and cautioned staff to tread lightly with landowners. On motion of Council Member Seiffert, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-03-153, as presented, endorsing the Greenways and Blueways Plan, 2003, that was prepared by Greenways, Inc., for the development of greenways and blueways throughout the Region 2000 area:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 6

Noes: 0

Abstention: Adams 1

// Fire Chief Buddy Martinette provided an update regarding the Fire Department's Strategic Plan. Chief Martinette mentioned that plans are underway to meet with the School Board to discuss a Cadet Program for junior and senior students.

// City Manager Kimball Payne presented a draft Memorandum of Understanding between the City and Campbell County regarding the development of an industrial park at the Lynchburg Regional Airport. Mr.

Payne explained that the agreement outlines a structure to jointly manage the industrial park and that if and when a regional airport authority is established, that such authority would assume administrative authority and hold title as set forth in a future agreement. Council Member Adams expressed some discomfort with #8 regarding the development of a "hold harmless" formula of revenue sharing, voicing concern that the City might have to subsidize the County's educational system if they loss State revenue. City Manager Payne stated that he also had some concerns, but that he would not support the City having to subsidize the County's educational system via their loss of State revenue. Council Member Seiffert stated that he felt that City Council should select the two Industrial Development Authority (IDA) members to serve on the Project Management Committee, while other Council Members were agreeable to having the IDA select the two representatives. Following discussion, and on motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote endorsed the Memorandum of Understanding between the City and Campbell County regarding the development of an industrial park at the Lynchburg Regional Airport:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Noes:

0

// City Manager Kimball Payne provided information regarding the possible use of the Public-Private Transportation Act (PPTA) to facilitate construction of the Crosstown Connector Project. Mr. Payne explained that in order to utilize the PPTA, the City would need to take responsibility for the project and to make a number of important decisions, including negotiation of an agreement with the Virginia Department of Transportation (VDOT) for City administration of the project. Mr. Payne explained that the premise behind the PPTA is that a public-private partnership can do several things for an important road project, i.e., it can provide a source of funding when state or local resources are lacking, it can construct the project on an accelerated timetable, and it can bring the project in at less cost. Mr. Payne stated that if City Council agrees that this approach should be pursued, staff would look deeper into it including meeting with VDOT to discuss an agreement for City project administration and drafting guidelines for receiving proposals. City Council indicated their willingness for staff to pursue this approach for the Crosstown Connector project.

// CSO Project Manager Greg Poff along with Paul Cumiskey, PJ Sun Financial Consulting, the City's utility rate consultant, presented information regarding whether the City should make a formal request to the State Water Control Board for the refinancing of existing and future Combined Sewer Overflow (CSO) Program Virginia Revolving Loan Fund (VRLF) loans from 20 year to 30 year repayment terms. Mr. Cumiskey explained that the results of the financial analysis indicate that with a projected sewer rate increase of 3% per year, additional debt capacity of \$26 million over six years would be created to fund more CSO projects. Mr. Poff explained that there have been substantial discussions with the Department of Environmental Quality (DEQ) regarding its support of this refinancing plan, and that one point of disagreement has been that DEQ requests that the City modify the CSO Special Order provision of using 9 hcf (hundred cubic feet) of average daily flow in each residence to calculate the required

parameter that "sewer rates are to be equal or exceed 1.25% of median household income". Mr. Poff went on to say that the DEQ feels that 7 hcf is a more realistic average daily residential use figure, and that staff prefers not to modify the special order but understands the substantial benefit to be gained from the refinancing. Following discussion, Council indicated its agreement for staff to continue to pursue the refinancing agreement and to bring the matter back to City Council at a future meeting for formal consideration.

// City Manager Kimball Payne distributed a revised draft of a proposed Compensation Philosophy for Council discussion and comment. Mr. Payne explained that once the philosophy is adopted, work would commence on preparing a pay plan consistent with the philosophy commencing with the Police Department. Mr. Payne noted that it would then be his goal to move forward with implementation of performance based pay system for the entire organization. Council Member Foster indicated that she would like to know how City employees feel about this philosophy. Following discussion, City Council gave its endorsement of the Compensation Philosophy, including preparation of a pay plan consistent with the philosophy commencing with the Police Department.

// During roll call, Council Member Garber indicated that he would like the City to look at privatization of some City services, starting with grass cutting along the Expressway. In response to Council Member Foster's question, City Manager Kimball Payne explained that citizens need to call the Citizens First Response line to report the location of street lights that are not working. Council Member Adams informed of a citizen concern regarding the unfairness of the new trash collection system on large families, and cautioned City Council members in their use of the new procedures established by the Commonwealth Attorney when seeking opinions regarding the State's Conflict of Interests Act. In response to Council Member Seiffert's inquiry regarding recent letters from a local barber shop and an inquiry regarding use of the City Stadium for youth football games, City Manager Kimball Payne stated that he would keep Council Members apprised regarding the outcome of those two requests. Mayor Hutcherson and Council Member Barksdale requested use of \$5,000 set aside in City Council's budget for undesignated travel to attend the upcoming National League of Cities (NLC) conference in Nashville, Tennessee. Some Council Members expressed concern regarding some of the conference program material and questioned whether attendance at the conference would be beneficial to the City. Other Council Members did not see any problem with the two Council Members using the funds set aside for undesignated City Council travel to attend the NLC conference especially since they indicated that they have benefited from attendance at previous NLC conferences. In response to Council questioning, City Attorney Walter Erwin stated that all Council Members could vote on this matter in that it would not be a conflict of interest because the personal interest does not exceed \$10,000. Vice Mayor Dodson made a motion, seconded by Council Member Foster, to allow Mayor Hutcherson and Council Member Barksdale to utilize the \$5,000 set aside in City Council's budget to attend the upcoming NLC conference. Council Member Seiffert made a substitute motion to send only one representative to the NLC conference. The motion died for lack of a second. The vote was called on the original motion, and Council by the following recorded vote approved

the use of the \$5,000 set aside in City Council's budget for Mayor Hutcherson and Council Member Barksdale to attend the upcoming NLC conference in Nashville:

Ayes: Barksdale, Dodson, Foster, Hutcherson 4

Noes: Adams, Garber, Seiffert 3

Mayor Hutcherson mentioned that at the last meeting there was some discussion regarding lowering the real estate tax rate due to the recent reassessment. Mayor Hutcherson suggested that instead of lowering the tax rate that City Council consider lowering the new solid waste fee from \$5 to \$3. Some Council Members seem to favor this idea while other Council Members had some concerns especially since it would increase the General Fund subsidy to the Solid Waste Fund. City Council asked that this item be placed on the October work session for further discussion.

// On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following seconded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, to discuss the disposition of publicly held real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, and for consultation with legal counsel and briefings by staff members regarding specific legal matters involving water and sewer connections and contract which requires the provision of legal advice pursuant to Section 2.2-3711(A)(1), (3), and (7), respectively, of the Code of Virginia, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Garber made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was adjourned at 4:53 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 30th day of September, 2003, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the August 26, 27, and September 9, 2003 meetings, having been previously furnished Council, reading was dispensed with. Council Member Seiffert stated that he would abstain since he was not present at the September 9 meeting. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Abstention: Seiffert 1

// In the matter of Public Works - General, Resolution #R-03-145 appropriating \$2,975 reimbursement to the Marshall Lodge toward the cost of the installation of curb and gutter at its property on Wards Ferry Road, laid over from the September 9, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R-03-146 appropriating \$6,000 to pay FY 2003 and FY 2004 dues for the City's membership in the U.S. 501 Regional Coalition, laid over from the September 9, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-03-147 amending the City/Federal/State Aid Fund budget and appropriating \$64,901, with \$58,411 reimbursement, for funding of law enforcement equipment and services, laid over from the September 9, 2003 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, Resolution #R-03-148 amending the Airport Projects Grant Fund budget and appropriating \$373,054, fully reimbursable, for Phase I (Environmental Assessment) of the Runway 4 Extension project, laid over from the September 9, 2003 meeting, was again presented and

read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, City Council Report #6 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-154, as presented, approving the assignment of the lease between the City and Britannia Aviation Services, Inc., to Aviation Technical Services, Inc., to operate the aircraft maintenance facility at the Lynchburg Regional Airport:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Economic Development - General, City Council Report #7 was considered. On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-155, as presented, requesting the Commonwealth Transportation Board to provide funding from the Industrial Airport and Rail Access Fund to improve Old Graves Mill Road to assist Framatome ANP, Inc. with its expansion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson recognized Keith Sandidge, a seventh grade student at Dunbar Middle School, for winning the Keep Lynchburg Beautiful poster contest.

// In the matter of City Council, Mayor Hutcherson announced that due to an emergency, Mr. Catlett has asked that his item be postponed to the October 14 meeting.

// In the matter of Public Works - General, Ms. Ruby Bassett, representing residents of Dearington, Patrick and Smyth Streets, requested the City to install sidewalks, fire hydrants, and "children playing" signs along Patrick Street to ensure the safety of the residents, especially the children. City Council referred this matter to the Physical Development Committee.

// In the matter of Public Works - General, City Council Report #10 was considered. On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-156, as presented, directing the City Manager to advise volunteer and nonprofit organizations that request the donation of items of surplus City property that it is contrary to City policy to make such donations and to deny such requests:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #11 regarding the Rental Property Inspection Program was considered. City Manager Kimball Payne presented an additional resolution to appropriate funds needed to cover the expenses of the program through June 30, 2004. Council Member Adams made a motion, seconded by Council Member Barksdale, to adopt Ordinance #O-03-157, as

presented, to amend sections of the City Code relating to rental property registration and inspections, to adopt Resolution #R-03-158, as presented, reducing the rental property code enforcement fee from \$25 to \$18 per rental dwelling unit, and to introduce and lay over to a later meeting for final action Resolution #R-03-159, as presented, appropriating \$50,716, fully reimbursable through the code enforcement fee, to fund wages, benefits, vehicle and office operation expenses for employment of a Rental Housing Inspector through June 30, 2004. Council Member Garber made a substitute motion to fund the first year of the program out of the Reserve for Contingencies. The motion died for lack of a second. The vote was called on the original motion, and Council by the following recorded vote adopted Ordinance #O-03-157, as presented, Resolution #R-03-158, as presented, and introduced and laid over to a later meeting for final action Resolution #R-03-159, as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson

6

Noes: Garber

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// On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, to discuss the disposition of publicly held real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, and for consultation with legal counsel and briefings by staff members regarding specific legal matters involving water and sewer connections and contract which requires the provision of legal advice pursuant to Section 2.2-3711(A)(1), (3), and (7), respectively, of the Code of Virginia, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Noes:

0

// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Foster, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Appointments, and on nomination of Council Member Barksdale, Council by the following recorded vote re-appointed Goldie Blair to serve on the Social Services Advisory Board for a term to expire September 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Donald May and Charles Ingerson to serve on the Social Services Advisory Board for terms to expire September 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote re-appointed Gail Kowalski to serve on the VASAP Board for a term to expire August 31, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote re-appointed Stewart Hobbs to serve on the Lynchburg Redevelopment and Housing Authority Board for a term to expire September 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote re-appointed Richard Pringle to serve on the Lynchburg Redevelopment and Housing Authority Board for a one year term ending September 30, 2004:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Stuart Turille to serve on the Lynchburg Business Development Centre Board to fill an unexpired term ending September 30, 2004:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Alexander Stuart and Linda Rodriguez to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote re-appointed Judy Wiegand to serve on the Transit Company Board for a term to expire October 31, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes:

0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Charles Sutton to serve on the Area Agency on Aging Board for a term to expire September 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Barksdale, Council by the following recorded vote appointed Gregory Starbuck to serve on the Tourism Advisory Committee for a term to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 6:00 P.M. to October 28, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council